



PALM BAY POLICE DEPARTMENT  
OFFICE OF PROFESSIONAL STANDARDS

INTEROFFICE MEMORANDUM

**TO:** Chief Mark Renkens

**FROM:** Sergeant Michael Smith

**DATE:** March 20 2017

**SUBJ:** Administrative Review for DR.# 16-006701

**Summary:**

On August 2, 2016, at about 1917 hours, Palm Bay PD dispatch received a 911 call from [REDACTED] stating that she was involved in a domestic disturbance. [REDACTED] Demarco Newman [REDACTED] advised dispatch that she had locked herself in the bathroom, and that Newman had a gun and was trying to gain entry. She further advised that Newman stated he was going to have a 'shootout with the police. During the 911 call, Newman made entry to the bathroom and the line disconnected while [REDACTED] screamed, 'Please leave me alone' and 'Please don't, I didn't do anything.'

Road patrol officers responded and tried to make contact with Newman, however were unsuccessful. The SWAT and Crisis Negotiation Teams responded to the scene and were unsuccessful with attempts to contact Newman as well. SWAT team members later shattered the front apartment window and for the couple, however received no answer. They then breached the front door and called out again. Jones answered and advised that she was in the bathroom, had been shot, and was bleeding. Newman challenged officers to come in and get him, advising he was armed. Newman refused to surrender.

SWAT team members moved in to rescue Jones. Sergeant Ribnicky confronted Newman, firing multiple shots and ending the threat. Newman was pronounced dead at the scene. Jones was transported to the hospital with life-threatening injuries. FDLE responded to the scene and investigated the incident, forwarding their conclusion to the Office of the State Attorney.

On November 1, 2016, State Attorney Phil Archer responded to FDLE with a finding that 'the use of force by Sergeant Ribnicky was lawful and proper under the provisions of Chapter 776, Florida Statutes.'

**Investigation:**

The Internal Investigation review of this case consisted of the 911 calls and radio traffic; officer written reports; FDLE investigation documentation.

**Conclusion:**

It is the opinion of the Office of Professional Standards that the force used by Sergeant Ribnicky was appropriate and within Palm Bay Police Department policy **G.O. 201.3 (A)(1) Use of Force in Defense of Person**. An officer or DBS is justified in the use of deadly force only if they reasonably believe that such force is necessary to prevent imminent death or great bodily harm to themselves or another or to prevent the imminent commission of a violent felony.

Sergeant Ribnicky was justified in the use of deadly force by discharging his firearm at a perceived threat to protect himself and the officers on the contact team, and to save the life of the Amy Jones. The Office of Professional Standards finds that no further action is required regarding this matter.

**End of report.**

Date 10/14/16  
Time 15 44.56

PALM BAY POLICE DEPT

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Program CMS301L

Case Number	1-16-006701			
pt Class	Battery - Aggravated		& Felony	
CAPIAS (Y/N)	Felony		Day Of Week	Tuesday
Report Date	8/03/16 1 00		Occur From Date	8/02/16 19:17
Occur To Date	8/02/16 19:22		Case Status	Open
Case Status Dt	8/04/16		Juvenile	No
Alcohol Related	No		Drug Related?	No
Location Information				
Location Type	Residence - Single Occupancy			
Street Number	1781 SE LOCKHEED ST		#D / CONVAIR	
City	PALM BAY		FL 32908	
County	BREVARD		Zone Assignment. South	
Grid	Z04D107			
Employee Information				
Report Officer	ELALFI - 203	MICHAEL		
Supervisory Emp	BERMUDEZ - 30	EDWARD	8/04/16	

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